



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

LEGISLATIVE ASSEMBLY ACT

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to December 1, 2022. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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LEGISLATIVE ASSEMBLY ACT

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CHAPTER L-7.1

LEGISLATIVE ASSEMBLY ACT

INTERPRETATION

1. Definitions

In this Act

- (a) “**Clerk**” means the Clerk of the Legislative Assembly appointed or deemed to have been appointed pursuant to section 42;
- (b) “**commission**” means the independent commission appointed pursuant to section 53;
- (c) “**declaration day**” means the day following a general election on which candidates are declared officially elected in accordance with the *Election Act* R.S.P.E.I. 1988, Cap E-1.1;
- (d) “**Deputy Speaker**” means the Deputy Speaker elected or deemed to have been elected pursuant to section 40;
- (e) “**fiscal year**” means the period beginning on April 1 in one year and ending on March 31 in the next year;
- (f) “**former Act**” means the *Legislative Assembly Act* R.S.P.E.I. 1988, Cap. L-7;
- (g) “**Government Caucus Chair**” means the member who is designated by the Premier to organize business in the government caucus;
- (h) “**Government House Leader**” means the member who is designated by the Premier to lead government business in the Legislative Assembly;
- (i) “**Government Whip**” means the member who is designated by the Premier to ensure government members are present for votes in the Legislative Assembly;
- (j) “**Leader of the Official Opposition**” means the member who is designated by the official opposition as its leader and who is recognized as leader of the official opposition by the Speaker;
- (k) “**Leader of the Third Party**” means the member who is designated by the third party as its leader and who is recognized as leader of the third party by the Speaker;
- (l) “**Legislative Assembly precinct**” means
 - (i) the land and buildings utilized by the members, officers and employees of the Legislative Assembly for the purposes of the Legislative Assembly, located within the area bounded by Grafton Street, Richmond Street, Prince Street and Queen Street in the City of Charlottetown, including but not limited to the following buildings and the land on which they are located:
 - (A) Province House,
 - (B) the Coles Building,
 - (C) the building located at 197 Richmond Street,

- (ii) the J.A. MacLean Building and the land on which it is located, and
 - (iii) other land and buildings utilized by the members, officers and employees of the Legislative Assembly for the purposes of the Legislative Assembly, which are identified by the Speaker and designated by minute of the Standing Committee on Legislative Assembly Management,
- but does not include constituency offices of members of the Legislative Assembly;
- (m) “**legislative security officer**” means a person designated as a legislative security officer pursuant to subsection 39(1);
 - (n) “**member**” means a member of the Legislative Assembly, except where otherwise stated;
 - (o) “**member of the Executive Council**” means a member who holds one or more of the following offices:
 - (i) Premier,
 - (ii) Deputy Premier,
 - (iii) Minister, other than the Premier or Deputy Premier;
 - (p) “**office holder**” means a member who holds one of the following offices:
 - (i) Speaker,
 - (ii) Deputy Speaker,
 - (iii) Leader of the Official Opposition,
 - (iv) Leader of the Third Party,
 - (v) Government House Leader,
 - (vi) Official Opposition House Leader,
 - (vii) Government Whip,
 - (viii) Official Opposition Whip,
 - (ix) leader of any other recognized opposition party;
 - (q) “**officer of the Legislative Assembly**” means the Clerk, Deputy Clerk, Clerks Assistant, Sergeant-at-Arms and Deputy Sergeant-at-Arms;
 - (r) “**official opposition**” means the largest caucus sitting in the Legislative Assembly in opposition to the Government;
 - (s) “**Official Opposition House Leader**” means the member who is designated by the Leader of the Official Opposition to lead official opposition business in the Legislative Assembly;
 - (t) “**Official Opposition Whip**” means the member who is designated by the Leader of the Official Opposition to ensure members of the official opposition are present for votes in the Legislative Assembly;
 - (u) “**ordinary polling day**” means the day fixed under section 5 of the *Election Act* for holding the poll at an election;
 - (v) “**remuneration**” includes salary, indemnities, allowances, pension and benefits;
 - (w) “**session**” means a session of the Legislative Assembly, beginning on the first day of the first sitting following the prorogation or dissolution of the Legislative Assembly and ending on the day on which the Legislative Assembly is next prorogued or dissolved;
 - (x) “**Speaker**” means the member elected or deemed to have been elected as Speaker pursuant to section 35;
 - (y) “**Standing Committee on Legislative Assembly Management**” means the Standing Committee provided for in subsection 45(1);

- (z) “**third party**” means the second largest caucus sitting in the Legislative Assembly in opposition to the Government. *2020,c.89,s.1.*

LEGISLATURE

2. Composition of the Legislature

- (1) The Legislature of this province shall be composed of the Lieutenant Governor and one House to be called the Legislative Assembly.

Powers and functions of Legislature

- (2) The Legislature has all the powers and shall exercise all the functions vested in the Legislature of this province on or before the coming into force of this section. *2020,c.89,s.2.*

LEGISLATIVE ASSEMBLY

Composition and Duration

3. Composition of Legislative Assembly

The Legislative Assembly shall be composed of 27 members elected pursuant to the *Election Act* to represent each of the electoral districts established pursuant to the *Electoral Boundaries Act* R.S.P.E.I. 1988, Cap. E-2.1. *2020,c.89,s.3.*

4. New parliament

Each general election of members shall make a new parliament. *2020,c.89,s.4.*

5. Maximum term of Legislative Assembly

No Legislative Assembly shall continue for longer than five years from the date of the return of the writs for a general election of members. *2020,c.89,s.5.*

6. Demise of Sovereign

- (1) The Legislative Assembly is not dissolved by the demise of the Sovereign and may meet, convene, sit, proceed and act, in the same manner as if the demise had not happened.

Crown, power to prorogue or dissolve

- (2) Nothing in subsection (1) alters or abridges the power of the Crown to prorogue or dissolve the Legislative Assembly. *2020,c.89,s.6.*

7. Date of next meeting not required

At the prorogation of the Legislative Assembly, it is not necessary for the Lieutenant Governor to name any day to which it is prorogued or to issue a proclamation for a meeting of the Legislative Assembly, unless it is intended that the Legislative Assembly shall meet for the dispatch of business on a certain date. *2020,c.89,s.7.*

8. Required sittings

- (1) Subject to subsection (2), there shall be in each calendar year at least one sitting of the Legislative Assembly during the six-month period beginning on January 1 and one sitting of the Legislative Assembly during the four-month period beginning on September 1.

Exception following election

- (2) Subsection (1) does not apply during the six months immediately following ordinary polling day of a general election.

Additional sittings

- (3) Nothing in subsection (1) prevents the Legislative Assembly from having a sitting, in addition to those required under subsection (1), at any time during a calendar year.

Sitting following election

- (4) Nothing in subsection (2) prevents the Legislative Assembly from having a sitting during the six months immediately following ordinary polling day of a general election.

Crown, power to prorogue or dissolve

- (5) Nothing in this section alters or abridges the power of the Crown to prorogue or dissolve the Legislative Assembly. *2020,c.89,s.8.*

9. Summoning the Legislative Assembly

- (1) The Lieutenant Governor shall summon and call together the Legislative Assembly by proclamation.

Content of proclamation

- (2) A proclamation issued under subsection (1) shall require the Legislative Assembly to meet and commence a sitting on the date specified in the proclamation, which date shall not be earlier than 30 days after the proclamation is issued.

Emergency sitting

- (3) Despite subsection (2), the Lieutenant Governor may, in circumstances the Lieutenant Governor considers to be an emergency, summon and call together the Legislative Assembly to commence a sitting as of a date that is less than 30 days after the date the proclamation is issued. *2020,c.89,s.9.*

Privileges, Immunities and Powers

10. Privileges, immunities and powers: House of Commons

- (1) In addition to the privileges, immunities and powers conferred by this Act, the Legislative Assembly and its committees and members hold and enjoy the same privileges, immunities and powers that are held, enjoyed and exercised by the House of Commons of Canada and its committees and members.

Exclusive internal jurisdiction of Legislative Assembly

- (2) The Legislative Assembly has exclusive jurisdiction in respect of the determination of the lawfulness of its proceedings, the regulation of its proceedings and the conduct of its business and affairs. *2020,c.89,s.10.*

11. Legislative Assembly commanding attendance

- (1) The Legislative Assembly may, by order at any time, command and compel the attendance of the persons, and the production of the records and things, before the Legislative Assembly or a committee of the Legislative Assembly that the Legislative Assembly or committee considers necessary.

Warrant or subpoena

- (2) For the purpose of subsection (1), the Speaker or the committee chair, as the case may be, may issue a warrant or subpoena directed to a person named in an order of the Legislative Assembly requiring the attendance of that person, and the production of any records and things ordered, before the Legislative Assembly or committee.

Administration of oath or affirmation

- (3) The Legislative Assembly may cause an oath or affirmation to be administered by any of the following persons to a witness examined at the bar of the Legislative Assembly:
- (a) the Speaker;
 - (b) a person appointed for that purpose by an order of the Legislative Assembly;
 - (c) a person appointed for that purpose by the Speaker.

Oath or affirmation by committee witness

- (4) The Legislative Assembly may order that an oath or affirmation be administered by the committee chair, or a person appointed for that purpose by the committee chair, to a witness examined by a committee of the Legislative Assembly. *2020,c.89,s.11.*

12. Committee commanding attendance

- (1) A committee of the Legislative Assembly may, by order at any time, command and compel the attendance of the persons, and the production of the records and things, before the committee that the committee considers necessary.

Warrant or subpoena

- (2) For the purpose of subsection (1), the committee chair may issue a warrant or subpoena directed to the person named in the warrant or subpoena requiring the attendance of that person, and the production of any records and things indicated in the warrant or subpoena, before the committee.

Administration of oath or affirmation

- (3) A committee of the Legislative Assembly may cause an oath or affirmation to be administered by the committee chair, or a person appointed for that purpose by the committee chair, to a witness examined by the committee. *2020,c.89,s.12.*

13. Aid or assistance of peace officer

- (1) A warrant or subpoena issued under the authority of the Legislative Assembly or a committee of the Legislative Assembly may command the aid and assistance of a peace officer or other person.

Refusal or failure is contravention of Act

- (2) A refusal or failure to aid and assist the Legislative Assembly or a committee of the Legislative Assembly in accordance with a warrant or subpoena issued under the authority of the Legislative Assembly or committee is a contravention of this Act. *2020, c.89, s.13.*

Breach of Privilege or contempt

14. Legislative Assembly may inquire, judge and punish

The Legislative Assembly has all the rights and privileges of a court of record for the purpose of summarily inquiring into, judging and punishing as a breach of privilege or as contempt, without prejudice to the liability of the offenders to prosecution and punishment criminally or otherwise, acts, matters and things including the following:

- (a) assaulting, insulting or libelling a member while the member is conducting parliamentary business under the authority of the Legislative Assembly;
- (b) obstructing, threatening or attempting to force or intimidate a member;
- (c) the offer to, or acceptance by, a member of a bribe to influence the member in proceedings;
- (d) the offer to, or acceptance by, a member of any fee, compensation or reward for drafting, advising upon, revising, promoting or opposing any bill, resolution, matter or thing submitted to, or intended to be submitted to, the Legislative Assembly or a committee of the Legislative Assembly;
- (e) assaulting or interfering with an officer of the Legislative Assembly while in the execution of the officer's duties;
- (f) tampering with a witness with regard to evidence to be given by the witness before the Legislative Assembly or a committee of the Legislative Assembly;
- (g) giving false evidence or prevaricating or otherwise misbehaving in giving, or refusing to give, evidence or producing, or refusing to produce, records before the Legislative Assembly or a committee of the Legislative Assembly;
- (h) disobeying a subpoena or warrant issued under the authority of this Act;
- (i) presenting to the Legislative Assembly or a committee of the Legislative Assembly a forged or false document with intent to deceive the Legislative Assembly or committee;
- (j) forging, falsifying or unlawfully altering any of the records of the Legislative Assembly or a committee of the Legislative Assembly or any document or petition presented or filed, or intended to be presented or filed, before the Legislative Assembly or a committee of the Legislative Assembly, including the setting or subscribing by any person of the name of another person to any such document or petition with intent to deceive;
- (k) bringing a civil action or prosecution against a member for any matter or thing brought by the member by petition, bill, regulation, motion or otherwise, or said by the member, before the Legislative Assembly or a committee of the Legislative Assembly. *2020, c.89, s.14.*

15. Penalties

- (1) A person who is found by the Legislative Assembly to have committed a breach of privilege or contempt under section 14, in addition to any other penalty or punishment to which the person may be subject by law, is liable to the following:

- (a) in the case of a member, the suspension of the member's right to sit and vote in the Legislative Assembly and to receive any remuneration as a member or office holder for a stated period or until the fulfilment of a condition determined by order of the Legislative Assembly;
- (b) a fine in an amount determined by order of the Legislative Assembly;
- (c) imprisonment for any period of time during the session of the Legislative Assembly then being held, determined by order of the Legislative Assembly.

Fine, recovery

- (2) A fine imposed by an order of the Legislative Assembly is a debt due to the Legislative Assembly and may be recovered on behalf of the Legislative Assembly in a court of competent jurisdiction by a person appointed by the Legislative Assembly for that purpose.

Imprisonment

- (3) Where the Legislative Assembly makes an order for the imprisonment of a person, the Speaker shall issue a warrant to the Sergeant-at-Arms or a peace officer to take the person into custody and keep the person in custody in accordance with the order. *2020, c.89, s.15.*

16. Determination of Assembly, effect

The determination of the Legislative Assembly upon any proceeding under this Act is final and conclusive. *2020, c.89, s.16.*

Assistance to Legislative Assembly**17. Assistance to Legislative Assembly**

A peace officer shall aid and assist the Legislative Assembly and its officers in the exercise of the jurisdiction of the Legislative Assembly whenever required to do so. *2020, c.89, s.17.*

18. No liability for acting under authority of Legislative Assembly

No person is liable in damages or otherwise for any act done under the authority of the Legislative Assembly or a committee of the Legislative Assembly or pursuant to any warrant or subpoena issued under the authority of the Legislative Assembly or a committee of the Legislative Assembly. *2020, c.89, s.18.*

19. Persons not eligible as members

- (1) Subject to subsections (2) and (3), the following persons are not eligible to be members and are disqualified from sitting or voting in the Legislative Assembly:
 - (a) a person who is a member of
 - (i) the Senate of the Parliament of Canada,
 - (ii) the House of Commons of Canada, or
 - (iii) a provincial or territorial Assembly, other than the Legislative Assembly of Prince Edward Island;
 - (b) a person who accepts or holds an office, commission or employment, to which an annual salary is attached, with, by, from, through or under the Government of Prince Edward Island or the Government of Canada.

Offices not affected

- (2) Nothing in subsection (1) renders a person ineligible to be a member, or disqualifies a person from sitting or voting in the Legislative Assembly, because the person is a member of the Executive Council or a member of any board or committee established under the *Executive Council Act* R.S.P.E.I. 1988, Cap. E-12.

Receipt of remuneration not affected

- (3) Nothing in subsection (1) renders a member ineligible, or disqualifies a member from sitting or voting in the Legislative Assembly, because the member accepts the remuneration payable to members or office holders in accordance with this Act. *2020,c.89,s.19.*

20. Corrupt practice under Controverted Elections Act

A candidate at an election who is proved guilty on the trial of an election petition of any corrupt practice under the *Controverted Elections (Provincial) Act* R.S.P.E.I. 1988, Cap. C-22, or is held guilty of corrupt practices under that Act due to his or her conviction by a court of competent jurisdiction of bribery or undue influence at his or her election, is not eligible to be a member and is disqualified from sitting or voting in the Legislative Assembly during the five years after being proved or held guilty. *2020,c.89,s.20.*

21. Corrupt practice, other proceeding

A candidate at an election who is found guilty of any corrupt practice within the meaning of the *Controverted Elections (Provincial) Act* in any proceeding in which, after notice of the charge, he or she has had an opportunity of being heard, is not eligible to be a member and is disqualified from sitting or voting in the Legislative Assembly during the five years after being found guilty. *2020,c.89,s.21.*

22. Ineligible person elected, effect

If a person who is not eligible to be a member is, nevertheless, elected to represent an electoral district of the province and returned as elected by the returning officer in accordance with the *Election Act*, the person's election and return are null and void. *2020,c.89,s.22.*

23. Prohibition

- (1) A person who is not eligible to be a member or is disqualified from sitting or voting in the Legislative Assembly shall not sit or vote in the Legislative Assembly.

Penalty for contravention

- (2) A person who contravenes subsection (1) forfeits the sum of \$1,000 for each day on which he or she sits or votes while he or she is not eligible or is disqualified, and any other person may sue to recover the forfeited sum in any court of competent jurisdiction.

Deposit

- (3) No action under this section shall be commenced until the person suing deposits the sum of \$1,000 with the officer issuing the process as security for costs that may become payable by the person suing to the person sued. *2020,c.89,s.23.*

Membership and Oath

24. Commencement of membership

A person commences his or her term of office as a member when that person has been elected to represent an electoral district of the province and returned as elected by the returning officer in accordance with the *Election Act*, unless the person's election and return are null and void under section 22. 2020,c.89,s.24.

25. Oath or affirmation

A member shall not sit or vote in the Legislative Assembly until the member has taken and subscribed before the Lieutenant Governor, or a person authorized by the Lieutenant Governor, either the oath or affirmation that follows:

(a) oath:

I, A.B., swear that I will be faithful and bear true allegiance to His Majesty King Charles III, his heirs and successors, according to law. So help me God.

(b) affirmation:

I, A.B., solemnly, sincerely, and truly declare and affirm that I will be faithful and bear true allegiance to His Majesty King Charles III, his heirs and successors, according to law. 2020,c.89,s.25; 2022,c.92,s.1.

Vacancies and Resignations

26. Vacancy by disqualification

- (1) If a member, by accepting any office, commission or employment referred to in subsection 19(1), becomes disqualified from sitting or voting in the Legislative Assembly, his or her election becomes void and his or her seat is vacated.

May be re-elected

- (2) A member referred to in subsection (1) may be re-elected if he or she is eligible under the *Election Act* and not ineligible under this Act. 2020,c.89,s.26.

27. Absence from seat, forfeiture

If any member of the Legislative Assembly is absent from his or her place for one entire session without leave of the Speaker given on behalf of the Legislative Assembly, his or her seat shall be declared vacant on the first day of the next ensuing session if the member is then absent. 2020,c.89,s.27.

28. Notice of vacancy

The Clerk shall promptly notify the Lieutenant Governor in writing of a vacancy under section 26 or 27. 2020,c.89,s.28.

29. Resignation of seat before sitting

- (1) A person returned as elected to the Legislative Assembly may resign his or her seat before the first meeting of the Legislative Assembly subsequent to the person's election by making and

signing a declaration in writing before two subscribing witnesses of his or her intention to resign and delivering it to the Clerk.

Notice to Lieutenant Governor

- (2) Upon receiving the declaration under subsection (1), the Clerk shall promptly notify the Lieutenant Governor in writing of the declaration. *2020,c.89,s.29.*

30. Resignation during sitting

- (1) A member may resign his or her seat during a sitting of the Legislative Assembly by giving notice in the member's place in the Legislative Assembly of his or her intention to resign.

Record on Journal and notice to Lieutenant Governor

- (2) When a member gives notice under subsection (1), the Clerk shall enter the notice on the Journals of the Legislative Assembly and the Speaker shall notify the Lieutenant Governor in writing of the member's notice. *2020,c.89,s.30.*

31. Resignation during session or between sessions

- (1) A member may resign his or her seat during a session or in the interval between two sessions by making and signing a declaration in writing before two subscribing witnesses of his or her intention to resign and delivering it to either the Speaker or the Clerk.

Notice to Lieutenant Governor

- (2) Upon receiving a declaration under subsection (1), the Speaker or the Clerk, as the case may be, shall promptly notify the Lieutenant Governor in writing of the member's declaration.

Record on Journal

- (3) Where the member delivers the declaration under subsection (1) during a session, the Clerk shall enter the declaration on the Journals of the Legislative Assembly. *2020,c.89,s.31.*

32. Seat vacated

A member tendering his or her resignation under section 29, 30 or 31 shall be held to have vacated his or her seat and ceases to be a member of the Legislative Assembly immediately on giving notice or delivering a declaration, as the case may be, unless a date of resignation is specified in the notice or declaration. *2020,c.89,s.32.*

33. Notice of vacancy, death or other reasons

If any vacancy occurs in the Legislative Assembly due to the death of a member or for any reason not enumerated in this Act, the Clerk, on being informed of the vacancy, shall promptly notify the Lieutenant Governor in writing of the vacancy. *2020,c.89,s.33.*

OFFICE OF THE SPEAKER

Composition

34. Office of the Speaker

- (1) There is hereby established the Office of the Speaker, which shall consist of the Speaker, the Deputy Speaker and such employees as may be required by the Speaker for the proper conduct of the business of the Office of the Speaker.

Office not dissolved

- (2) The Office of the Speaker is not dissolved on the prorogation or dissolution of the Legislative Assembly. *2020, c.89, s.34.*

Speaker

35. Speaker election

- (1) The Legislative Assembly shall, on first assembling and within 30 days after declaration day following each general election, conduct as its first order of business the election by secret ballot of one of its members as Speaker.

Vacancy

- (2) If a vacancy occurs in the office of Speaker, the Legislative Assembly shall, as soon as possible, elect by secret ballot another of its members as Speaker.

Duration of office

- (3) The person who is the Speaker at the time of the dissolution of a Legislative Assembly continues to hold office as the Speaker until the next election for the office of Speaker is held.

Transitional

- (4) The person who, immediately before the coming into force of this section, held the office of Speaker under the former Act is deemed to have been elected as Speaker under this section. *2020, c.89, s.35.*

36. Duty to preside

The Speaker shall preside at all meetings of the Legislative Assembly. *2020, c.89, s.36.*

37. Administration of Act

The Speaker is responsible for the administration of this Act. *2020, c.89, s.37.*

38. Legislative Assembly precinct

- (1) The Speaker has the control and management of the Legislative Assembly precinct.

Actions respecting precinct

- (2) The Speaker may, subject to direction from the Standing Committee on Legislative Assembly Management or an order of the Legislative Assembly, take any action the Speaker considers necessary for the control and management of the Legislative Assembly precinct. *2020, c.89, s.38.*

39. Legislative Security officers

- (1) The Speaker may, in writing, designate an officer or employee of the Office of the Legislative Assembly, either by name or class, as a legislative security officer for the preservation and maintenance of the public peace and the provision of security services in accordance with the directions of the Speaker within the Legislative Assembly precinct.

Scope of authority

- (2) A legislative security officer is a peace officer and has, while carrying out the duties and functions of a legislative security officer under this Act, all the powers, authority, privileges, rights and immunities of a peace officer and constable under the Criminal Code (Canada) and any other federal or provincial enactment.

Weapons prohibited

- (3) No person, other than a peace officer, shall possess a weapon in a building within the Legislative Assembly precinct unless authorized to do so by a legislative security officer.

Powers

- (4) A legislative security officer may
- (a) require a person entering a building within the Legislative Assembly precinct to verify his or her identity and be screened for weapons;
 - (b) refuse a person entry to a building within the Legislative Assembly precinct or evict a person from the building if the person refuses to verify his or her identity, refuses to be screened for weapons, or is in possession of a weapon without authorization from a legislative security officer;
 - (c) seize a weapon from a person in a building within the Legislative Assembly precinct if the person has not been authorized to possess the weapon by a legislative security officer;
 - (d) evict a person from the Legislative Assembly precinct if the person is engaging in conduct that threatens the safety of persons in the Legislative Assembly precinct or interferes with the operation of the Legislative Assembly;
 - (e) refuse a person entry to the Legislative Assembly precinct or evict a person from the Legislative Assembly precinct if the legislative security officer has reasonable grounds to believe that the person may threaten the safety of persons in the Legislative Assembly precinct or interfere with the operation of the Legislative Assembly;
 - (f) evict a person from the Legislative Assembly precinct if the person fails to comply with a reasonable request from a legislative security officer that is intended to ensure the safety of persons in the Legislative Assembly precinct or the operation of the Legislative Assembly;
 - (g) use reasonable force in refusing a person entry to a building within the Legislative Assembly precinct or to the Legislative Assembly precinct, or in evicting a person from the building or the Legislative Assembly precinct; and
 - (h) take any other action that is reasonable and necessary to preserve and maintain the public peace and ensure the safety of persons within the Legislative Assembly precinct.

Legislative security officer shall not be convicted

- (5) A legislative security officer who is charged with an offence under a provincial enactment shall not be convicted if it is made to appear to the judge of the Provincial Court or Supreme Court before whom the offence is being prosecuted that the legislative security officer

- (a) committed the offence while discharging his or her responsibilities;
- (b) was reasonably justified in committing the offence having regard to the responsibilities being discharged; and
- (c) conducted himself or herself in a reasonable manner having regard to all the circumstances.

Protection from Liability

- (6) No action or other proceeding for damages lies or shall be instituted against a legislative security officer for anything done by the legislative security officer in good faith in the performance or intended performance of a duty or in the exercise or in the intended exercise of a power under this Act, or for any neglect or default of the legislative security officer in the performance or exercise in good faith of the duty or power. *2020,c.89,s.39.*

Deputy Speaker**40. Deputy Speaker election**

- (1) The Legislative Assembly shall, on first assembling after a general election and within 30 days after declaration day, elect one of its members as Deputy Speaker.

Vacancy

- (2) If a vacancy occurs in the office of Deputy Speaker, the Legislative Assembly shall, as soon as possible, elect another of its members as Deputy Speaker.

Transitional

- (3) The person who, immediately before the coming into force of this section, held the office of Deputy Speaker under the former Act is deemed to have been elected as Deputy Speaker under this section.

Powers and duties

- (4) When the Speaker is absent from the Legislative Assembly, the Deputy Speaker has all the powers, privileges and duties of the Speaker.

Validity of orders or actions

- (5) Each order made and action taken by the Deputy Speaker when the Speaker is absent from the Legislative Assembly is as valid as if it were made or taken by the Speaker.

Validity of bills and orders

- (6) Each bill passed and order made by the Legislative Assembly when the Deputy Speaker presides at a meeting of the Legislative Assembly is as valid as if it were passed or made with the Speaker presiding. *2020,c.89,s.40.*

41. Temporary absence from chair

- (1) When the Speaker or the Deputy Speaker finds it necessary to leave the chair during any part of a sitting on any day, he or she may call upon any member to take the chair and act as Speaker during the remainder of the day or until the Speaker or the Deputy Speaker resumes the chair before the close of the sitting for that day.

Acting Speaker election

- (2) When both the Speaker and the Deputy Speaker are absent from the Legislative Assembly, the Legislative Assembly shall elect one of its members to be Acting Speaker.

Powers and duties

- (3) A member called upon to act as Speaker pursuant to subsection (1) or the Acting Speaker has, during the absence of the Speaker and the Deputy Speaker, all the powers, privileges and duties of the Speaker.

Validity of orders or actions

- (4) Each order made and action taken by a member called upon to act as Speaker pursuant to subsection (1) or the Acting Speaker when the Speaker and Deputy Speaker are absent from the Legislative Assembly is as valid as if it were made or taken by the Speaker.

Validity of bills and orders

- (5) Each bill passed and order made by the Legislative Assembly when a member called upon to act as Speaker pursuant to subsection (1) or the Acting Speaker presides at a meeting of the Legislative Assembly is as valid as if it were passed or made with the Speaker presiding.
2020, c.89, s.41.

OFFICE OF THE LEGISLATIVE ASSEMBLY

Composition

42. Legislative Assembly Office

- (1) There is hereby continued the Office of the Legislative Assembly which shall consist of the Clerk, the Deputy Clerk, the Clerks Assistant, the Sergeant-at-Arms, the Deputy Sergeant-at-Arms and any other employees that are, in the opinion of the Standing Committee on Legislative Assembly Management, required for the proper conduct of the business of the Office of the Legislative Assembly.

Office not dissolved

- (2) The Office of the Legislative Assembly is not dissolved on the prorogation or dissolution of the Legislative Assembly.

Appointment of Clerk and other officers of the Legislative Assembly

- (3) The Legislative Assembly shall, on the recommendation of the Standing Committee on Legislative Assembly Management, appoint the Clerk, the Deputy Clerk, the Clerks Assistant, the Sergeant-at-Arms and the Deputy Sergeant-at-Arms, all of whom shall serve at pleasure.

Clerks Assistant and employees

- (4) The Standing Committee on Legislative Assembly Management may appoint the employees of the Office of the Legislative Assembly, all of whom shall serve at pleasure.

Committee to regulate pay, terms and conditions of employment

- (5) The Standing Committee on Legislative Assembly Management shall determine and regulate the pay and other terms and conditions of employment of the officers and employees of the Office of the Legislative Assembly.

Transitional – Clerk

- (6) The person who, immediately before the coming into force of this section, held the office of Clerk under the former Act is deemed to have been appointed as Clerk pursuant to subsection (3).

Transitional – Sergeant-at-Arms

- (7) The person who, immediately before the coming into force of this section, held the office of Sergeant-at-Arms under the former Act is deemed to have been appointed as Sergeant-at-Arms pursuant to subsection (3).

Transitional – Assistant Sergeant-at-Arms

- (8) The person who, immediately before the coming into force of this section, held the office of Assistant Sergeant-at-Arms under the former Act is deemed to have been appointed as Deputy Sergeant-at-Arms pursuant to subsection (3).

Transitional – Clerk Assistant

- (9) A person who, immediately before the coming into force of this section, held the position of Clerk Assistant and was appointed to that position by the Standing Committee on Legislative Management under the former Act is deemed to have been appointed as a Clerk Assistant pursuant to subsection (3).

Transitional – other officers and employees

- (10) A person who, immediately before the coming into force of this section, was an employee of the Office of the Legislative Assembly under the former Act is deemed to have been appointed to his or her position pursuant to subsection (4). *2020,c.89,s.42.*

Duties of the Clerk

43. Clerk is Chief officer

- (1) The Clerk is the chief officer of the Legislative Assembly and is responsible for the management and control of the other officers and employees of the Office of the Legislative Assembly.

Record of debate and discussion

- (2) The Clerk shall ensure that a record is kept of debate and discussion in the Legislative Assembly and of the debate and discussion of, or before, the committees of the Legislative Assembly.

Documents and records to be deposited with Clerk

- (3) All books, papers, journals, documents or other records belonging, or in any way relating, to the Legislative Assembly shall be deposited with the Clerk. *2020,c.89,s.43.*

Legislative Library

44. Legislative Library

- (1) There shall be a library for the Legislative Assembly, which shall consist of the books, papers and other records, furniture, stationery and other articles in the possession of the Legislative Assembly on or after January 1, 2008.

Legislative Library of PEI

- (2) The library for the Legislative Assembly shall be known as the Legislative Library of Prince Edward Island.

Purpose of library

- (3) The purpose of the Legislative Library of Prince Edward Island is
- (a) to serve the information needs of the members and staff of the Legislative Assembly;
 - (b) to provide a non-partisan research service for the members and staff of the Legislative Assembly; and
 - (c) to collect, preserve and make accessible the publications of the Legislative Assembly.
2020, c.89, s.44.

STANDING COMMITTEE ON LEGISLATIVE ASSEMBLY MANAGEMENT

45. Standing Committee on Legislative Management

- (1) There shall be a Standing Committee on Legislative Assembly Management composed of
- (a) the Speaker, as chair;
 - (b) the Deputy Speaker;
 - (c) the Government Caucus Chair;
 - (d) the Government House Leader;
 - (e) the Leader of the Official Opposition;
 - (f) the Official Opposition House Leader; and
 - (g) the Leader of the Third Party.

Not dissolved by prorogation

- (2) The Standing Committee on Legislative Assembly Management is not dissolved by prorogation of the Legislative Assembly, but is dissolved on the dissolution of the Legislative Assembly. *2020, c.89, s.45.*

46. Powers and duties

- (1) The Standing Committee on Legislative Assembly Management has jurisdiction respecting
- (a) the administration of the Legislative Assembly;
 - (b) the provision of security, facilities and services, including their allocation to party caucuses and individual members;
 - (c) the determination and regulation of the pay and other terms and conditions of employment of the officers and employees of the Office of the Speaker and the Office of the Legislative Assembly;
 - (d) the appointment of the staff of the Legislative Assembly, other than the staff of party caucus offices;
 - (e) the review of the estimates of expenditure for the Legislative Assembly, including the forecasts and analysis of expenditures and financial commitments of the Legislative Assembly; and
 - (f) such other matters as the Standing Committee on Legislative Assembly Management considers necessary for the efficient and effective operation and management of the Legislative Assembly.

Bills related to Legislative Assembly

- (2) Any bill related to the Legislative Assembly or the administration of its offices shall be committed to the Standing Committee on Legislative Assembly Management for consideration and may be brought before the Legislative Assembly in accordance with the procedures for public bills in the Rules of the Legislative Assembly. *2020,c.89,s.46.*

47. Procedures

The Standing Committee on Legislative Assembly Management may determine its own procedures. *2020,c.89,s.47.*

48. Clerk of the Committee

The Clerk is the clerk of the Standing Committee on Legislative Assembly Management. *2020,c.89,s.48.*

49. Preparation of estimates

- (1) Each fiscal year, the Clerk shall prepare the estimates of the sums of money that will be required to be provided for the operations of the Legislative Assembly pursuant to this Act for the ensuing fiscal year and submit the estimates to the Standing Committee on Legislative Assembly Management.

Approval of estimates

- (2) Upon receiving the estimates under subsection (1), the Standing Committee on Legislative Assembly Management shall review the estimates, make any alterations it considers proper and approve the estimates, with or without alterations.

Inclusion in request for appropriations

- (3) When submitting a request for appropriations for a fiscal year to Treasury Board under subsection 34(1) of the *Financial Administration Act*, the Speaker shall request appropriations for the purposes, and in the amounts, set out in the estimates approved for that fiscal year by the Standing Committee on Legislative Assembly Management.

Estimates to include requested appropriations without change

- (4) The Treasury Board, on receipt of a request for appropriations under subsection (3), shall include the requested appropriations, without change, in its budget estimates for the fiscal year in question. *2020,c.89,s.49.*

REMUNERATION**50. Remuneration of members**

- (1) Each member shall be paid the remuneration determined in accordance with section 53 or 54.

Period of membership

- (2) For the purposes of calculating amounts payable under subsection (1), a member shall be deemed to be a member from the polling day on which he or she was elected until the day preceding the polling day in the general election that follows the dissolution of the Legislative Assembly of which he or she is a member, unless the member earlier dies, resigns or otherwise ceases to be a member.

Non-attendance

- (3) The Legislative Assembly shall determine by resolution any period of time during which, and the conditions under which, a member is deemed not to have served as a member because of his or her failure to attend the meetings of the Legislative Assembly or its committees. *2020,c.89,s.50.*

51. Salary of office holder and member of Executive Council

- (1) Subject to subsection (3), each office holder and each member of the Executive Council shall be paid the remuneration determined in accordance with section 53 or 54.

No dual office holders

- (2) A member may not hold more than one of the following offices at any time:
- (a) Speaker;
 - (b) Deputy Speaker;
 - (c) Leader of the Official Opposition;
 - (d) Leader of the Third Party;
 - (e) Government House Leader;
 - (f) Official Opposition House Leader;
 - (g) Government Whip;
 - (h) Official Opposition Whip;
 - (i) Leader of any other recognized opposition party.

No concurrent remuneration

- (3) A member of the Executive Council who is also an office holder shall not be paid remuneration as an office holder. *2020,c.89,s.51.*

52. Payment bi-weekly

Payment of remuneration in the form of salary and allowances shall be made bi-weekly in arrears. *2020,c.89,s.52.*

53. Appointment and mandate of commission

- (1) Within 60 days after ordinary polling day in each general election held after this section comes into force, the Speaker shall appoint an independent commission to review and determine the remuneration to be paid to members, office holders, members of the Executive Council and members holding such other positions as the Speaker determines.

Composition

- (2) The commission shall be composed of three independent, neutral and knowledgeable persons from private life.

Term of office

- (3) The term of office of persons appointed to the commission shall end on the dissolution of the Assembly during which they were appointed.

Appointment of replacement

- (4) On the resignation, inability to act or death of a commissioner, the Speaker shall appoint a replacement.

Powers, privileges, immunities

- (5) The persons appointed pursuant to subsection (1) have all the powers, privileges and immunities of a commissioner pursuant to the *Public Inquiries Act* R.S.P.E.I. 1988, Cap. P-31.

Review and determination of remuneration

- (6) The commission shall, within 90 days of its appointment, carry out a review of the remuneration payable on the day before ordinary polling day to the persons referred to in subsection (1) and deliver a report to the Speaker containing its determination of the remuneration to be paid to the persons referred to in subsection (1) from ordinary polling day until a date determined by the commission.

Transition period

- (7) During the period from ordinary polling day until the report of the commission under subsection (6), the remuneration paid to the persons referred to in subsection (1) shall be in the amounts payable on the day before ordinary polling day, subject to retroactive adjustment to ordinary polling day on the report of the commission.

Tabling of report

- (8) The Speaker shall, within five sitting days following the receipt of the report of the commission under subsection (6), cause a copy of the report to be laid before the Legislative Assembly.

Effect of determination in report

- (9) The report of the commission shall have effect for the purposes of determining the remuneration of the persons referred to in subsection (1) as if the provisions contained in it had been enacted by the Legislative Assembly.

Adjustment of indemnities, allowances, pension and benefits

- (10) After the commission makes its report under subsection (6), the commission may, at any time it considers necessary or on the request of the Speaker, carry out a review of the remuneration payable to the persons referred to in subsection (1) and deliver a report to the Speaker containing its determination of the remuneration to be paid to the persons referred to in subsection (1) from the date specified by the commission until it is subsequently adjusted in accordance with this provision or following the next general election.

Authority

- (11) For greater certainty, the commission has the authority to determine remuneration including salaries, indemnities, allowances, benefits and pension benefits. *2020, c.89, s.53.*

54. Transitional – commission

- (1) On the date this section comes into force, the Indemnities and Allowances Commission appointed pursuant to subsection 46(1) of the former Act is continued for the purposes of this section until the dissolution of the 66th General Assembly.

Review and report for 2021

- (2) The Indemnities and Allowances Commission shall carry out a review of the remuneration payable to the persons referred to in subsection 53(1) and, on or before December 1, 2021, deliver a report to the Speaker containing its determination of the remuneration to be paid to the persons referred to in subsection 53(1) from the date specified in the report.

Tabling of report

- (3) The Speaker shall, within five sitting days following the receipt of the report of the Indemnities and Allowances Commission under subsection (2), cause a copy of the report to be laid before the Legislative Assembly.

Effect of determination in report

- (4) The report of the Indemnities and Allowances Commission shall have effect for the purposes of determining the remuneration of the persons referred to in subsection 53(1) as if the provisions contained in it had been enacted by the Legislative Assembly.

Adjustment of indemnities allowances, pension benefits

- (5) After the Indemnities and Allowances Commission makes its report under subsection (2), the Indemnities and Allowances Commission may, at any time it considers necessary or on the request of the Speaker, carry out a review of the remuneration payable to the persons referred to in subsection 53(1) and deliver a report to the Speaker containing its determination of the remuneration to be paid to the persons referred to in subsection 53(1) from the date specified by the Indemnities and Allowances Commission until it is subsequently adjusted in accordance with this provision or following the next general election. *2020,c.89,s.54.*

55. Payments from operating fund

The remuneration payable under this Act shall be paid out of the Operating Fund. *2020,c.89,s.55.*

REPEAL

56. Repeal

The *Legislative Assembly Act* R.S.P.E.I. 1988, Cap. L-7 is repealed. *2020,c.89,s.56.*

CONSEQUENTIAL AMENDMENTS

57 - 63 (These sections make consequential amendments to other Acts. The amendments have been incorporated into those Acts.)